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7 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
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11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
14 Plaintiff,
15 vs.
16 WALKER WOOD PRODUCTS,
17 Defendant.

18) Case No. '06cv 2335 BEN NLS
19)
20) COMPLAINT—TITLE VII
21) • Retaliation
22)
23) JURY TRIAL DEMAND
24)
25)
26)
27)
28)

19 **NATURE OF THE ACTION**

20 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
21 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation,
22 and to provide appropriate relief to Jose Hernandez, who was adversely affected by such
23 practices. As set forth in this Complaint, Plaintiff alleges that Defendant retaliated against
24 Mr. Hernandez when he opposed discriminatory practices and complained of the harassment of a
25 subordinate employee. He also refused to engage in discriminatory conduct against a
26 subordinate employee.

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FILED
2006 OCT 19 PM 2:50

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

ORIGINAL

JURISDICTION AND VENUE

2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,
3 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of
4 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3)
5 (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

6 2. The employment practices alleged to be unlawful were and are now being
7 committed within the jurisdiction of the United States District Court for the Southern District of
8 California.

PARTIES

10 3. Plaintiff, the U.S Equal Employment Opportunity Commission (“EEOC” or
11 “Commission”), is the agency of the United States of America charged with the administration,
12 interpretation and enforcement of Title VII, and is expressly authorized to bring this action by
13 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

14 4. At all relevant times, Defendant, Walker Wood Products (the "Employer"), has
15 continuously been a California corporation doing business in the State of California and the
16 Cities of San Marcos and Escondido, and has continuously had at least 15 employees.

17 5. At all relevant times, Defendant Employer has continuously been an employer
18 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
19 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

21 6. More than thirty days prior to the institution of this lawsuit, Jose Hernandez filed
22 a charge with the Commission alleging violations of Title VII by Defendant Employer. All
23 conditions precedent to the institution of this lawsuit have been fulfilled.

24 7. On or about February 9, 2005, Defendant Employer has engaged in unlawful
25 employment practices at its San Marcos, California facility, in violation of Section 704 of
26 Title VII, 42 U.S.C. § 2000e-3, by retaliating against Jose Hernandez by terminating him from
27 his employment for having opposed retaliation against a subordinate employee and for having
28 complained of the harassment of a subordinate employee.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Jose Hernandez of equal employment opportunities and otherwise adversely affect his status as an employee, because of his participation in the protected activity of opposing sex discriminatory and retaliatory practices at Defendant Employer.

9. The unlawful employment practices complained of in paragraph 7 above were and are intentional.

10. The unlawful employment practices complained of in paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Jose Hernandez.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

12 A. Grant a permanent injunction enjoining Defendant Employer, its officers,
13 successors, assigns, and all persons in active concert or participation with it, from engaging in
14 retaliation.

15 B. Order Defendant Employer to institute and carry out policies, practices, and
16 programs which eradicate the effects of its past and present unlawful employment practices.

17 C. Order Defendant Employer to make whole Jose Hernandez, by providing
18 appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other
19 affirmative relief necessary to eradicate the effects of its unlawful employment practices,
20 including but not limited to reinstatement and/or restoration of the compensation, seniority and
21 benefits he would have enjoyed had he not been terminated.

22 D. Order Defendant Employer to make whole Jose Hernandez, by providing
23 compensation for past and future pecuniary losses resulting from the unlawful employment
24 practices described in paragraph 7 above, in amounts to be determined at trial.

25 E. Order Defendant Employer to make whole Jose Hernandez by providing
26 compensation for past and future nonpecuniary losses resulting from the unlawful practices
27 complained of in paragraph 7 above, in amounts to be determined at trial.

28 | //

F. Order Defendant Employer to pay Jose Hernandez punitive damages for its malicious and reckless conduct described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Ronald S. Cooper
General Counsel

James L. Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel

Anna Y. Park
Regional Attorney

JS44

(Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

(b) COUNTY OF RESIDENCE OF FIRST LISTED
PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Anna Y. Park (213) 894-1076
Peter F. Laura
U.S.E.E.O.C.
255 E. Temple Street, 4th Floor
Los Angeles, CA 90012

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

U.S. Government Plaintiff 3 Federal Question
(U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in
Item III)

DEFENDANTS

WALKER WOOD PRODUCTS

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RM San Diego Co. DEPUTY

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND
INVOLVED

ATTORNEYS (IF KNOWN)

'06CV 2335 BEN NLS

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX
(For Diversity Cases Only)) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT

	PT	DEF	PT	DEF
Citizen of This State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

An action to correct unlawful employment
practices in violation of Section 704 of Title VII, 42 U.S.C. Section 2000e-3

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury- Medical Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> LABOR	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 865 RSL (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input checked="" type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 750 Other Labor Litigation		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property				

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

Original Proceeding 2 Removal from
State Court 3 Remanded from Appellate
Court 4 Reinstated or
Reopened 5 Transferred from
another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from
Magistrate Judgment

VII. REQUESTED IN
COMPLAINT: CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Case Number

DATE 10/18/06

SIGNATURE OF ATTORNEY OF RECORD

ORIGINAL